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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,644	01/10/2000	Richard Allen Dunlap	CISCP118	4562
22434	7590	01/20/2006	EXAMINER	
BEYER WEAVER & THOMAS LLP			SING, SIMON P	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			2645	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/480,644

Applicant(s)

DUNLAP, RICHARD ALLEN

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 13-20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macaulay et al. US 6,226,512 in view of Tolino et al. US 4,759,897.

1.1 Regarding claims 13 and 25, Macaulay teaches displaying a soft key label set on a portable telephone 100 which has a display (column 4, lines 16-37). Macaulay teaches:

storing a plurality of soft key label sets, wherein a soft-key label set has an application in a particular context and includes a plurality of text strings, such as a first soft-key label set of "INFO", "ANSWER" and "QUIT", with an application to acquire caller's information, to answer an incoming call, and to quit the current data communication session (column 7, lines 22-35);

retrieving a second set of soft-key label, based on a particular context, such as ANSWER from a companion application toolkit server 218 (call manager object), which resides outside the portable telephone (column 7, lines 59-67; column 8, lines 1-13);
and

displaying the second set of soft-key label set on the display, when the "INFO" soft key is pressed (column 7, lines 44-58), or as an example, when the "ANSWER" soft-key is pressed, text strings (INFO and IGNORE) corresponds to a physical button 116 and 120 on the portable telephone are displayed (column 8, lines 5-13).

Macaulay teaches deactivating a physical button 118 when the "ANSWER" soft key is pressed (column 8, lines 5-13), but fails to teach to deactivating a physical button, such as button 116 or 120.

However, Tolino discloses a computer with soft key functions in figures 19-27. Tolino teaches that when a soft key is pressed, the keyboard of the computer is disabled until next subroutine (with new soft-key set) (column 11, lines 47-68, column 12, lines 1-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Macaulay's reference with the teaching of Tolino so that while the display was changing, the physical buttons corresponding to soft-key labels would have been deactivated, because during the display change, the state of the physical button was undefined, and an entry of a physical button would have been ignored since a controller or microprocessor was busy executing instructions to download next subroutine (i.e. keypad entries not monitored during subroutine loading).

1.2 Regarding claim 14, Macaulay teaches an index (WAU_SK_CENTER) is invoked by a display line handler (computer telephony adaptor, or CAT) and a call plane object (CAT) (column 7, lines 59-64).

1.3 Regarding claim 15, Macaulay teaches masking out "ANSWER" in the display while displaying the second soft key label set (column 8, lines 1-13).

1.4 Regarding claim 16, Macaulay teaches storing a plurality of soft-key label sets as discussed in claim 13.

1.5 Regarding claim 17, Macaulay teaches a value for index is determined based on a particular context, such as ANSWER.

1.6 Regarding claim 18, Macaulay teaches validating a text string in the second soft key label set by masking (blanking) out "ANSWER" (column 8, lines 5-13).

1.7 Regarding claim 19, Macaulay teaches determining if the portable telephone is already in a data communication session (column 7, lines 3-17).


1.8 Regarding claim 20, Macaulay teaches determining the reason for an unsuccessful data session (column 7, lines 3-17).

Response to Arguments

2. Applicant's arguments with respect to claims 13-20 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

12/30/2005



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600